

MINUTES OF THE LAFAYETTE COMMON COUNCIL
MARCH 2, 1998
REGULAR SESSION

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, March 2, 1998, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Alting called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Boehning, Probasco, Campbell, Downie, Rhoda, Fisher, Smith, Alting

Absent: Meyer

Councilman Boehning moved to approve the Minutes from the February 2, 1998 Regular Meeting of Common Council, Councilman Campbell seconded. Councilman Fisher stated the word "moved" should be inserted in the fifth paragraph after Councilman Probasco and that this should be treated as a scrivener's error. The corrected Minutes were approved by unanimous Voice Vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Report – January 1998

Controller's Monthly - January 1998

Lafayette Water Works Annual Report 1997

Miscellaneous Monthly Department Reports

The Clerk read Ordinance 98-2 (An Ordinance to Replace Section 130.04 (A) & (B) of the Lafayette City Code Pertaining to Juvenile Curfews) by title only for second and final reading. Councilman Probasco moved for passage, Councilman Boehning seconded. Councilman Probasco moved to amend Ordinance 98-2 by deleting the *paragraph* under Section 1 (A) 2 and adding Section (C) at the end of the Ordinance, Councilman Campbell seconded. Police Chief Gene Reed stated that he had no problem with the changes, which clarified several issues. Discussion ensued. The Motion to amend Ordinance 98-2 passed 7-0 on a roll call vote. Councilman Downie moved to approve Ordinance 98-2 as amended, Councilman Smith seconded. Councilman Probasco encouraged other governmental bodies to consider using the same standards to establish uniformity throughout Tippecanoe County. Ordinance 98-2 passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-3 (An Ordinance Approving List of Financial Depositories) by title only for second and final reading. Councilman Downie moved for passage, Councilman Fisher seconded. Ordinance 98-3 passed 7-0 on a roll call vote.

Councilman Probasco requested to hear Ordinance 98-13 but was informed that the petitioner was not yet available.

The Clerk read Ordinance 98-6 (An Ordinance to Rezone Certain Real Estate from GB to PDMX,

Edward Chosnek, Petitioner, Plaza ChildCare and Apartments Planned Development) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Smith seconded.

Edward Chosnek, 316 Ferry Street, Petitioner, stated that he had been working on this project for over a year with GLPTC Corporation to get this child care and apartment building project built on the corner of 3rd and Ferry Streets. Ordinance 98-6 passed 7-0 on a roll call vote.

President Altig stated that Ordinance 98-7 (An Ordinance to Rezone Certain Real Estate from R1 and R1-B to PDRS, Abbingdon Development, Inc. Petitioner, Mill Creek Phase 3 Planned Development) had been withdrawn by the Petitioner.

The Clerk read Ordinance 98-8 (An Ordinance to Rezone Certain Real Estate from R1-B to PDRS, Susan Riehle, Petitioner, Vinton Woods Planned Development) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Fisher seconded. Tom McCulley, representing the Petitioner, explained the proposal. Councilman Boehning questioned the APC staff recommendation regarding vehicular access to O'Farrell Road and Mr. McCulley stated that the access would be onto Cedar Lane and not onto O'Farrell Road. Ordinance 98-8 passed 7-0 on a roll call vote.

Councilman Downie moved to hear Ordinance 98-13. The Clerk read Ordinance 98-13 (An Ordinance Establishing Rates and Charges for the Use of and Services Rendered by the Waterworks Utility of the City of Lafayette, Indiana) by title only for first reading. Councilman Probasco seconded. Councilman Probasco stated that the only difference between Ordinance 98-12 and Ordinance 98-13 was the Rural Fire Protection Surcharge section. Councilman Probasco stated that two amendments were needed under Section 1, item (b), a 10" size meter needed to be added and under Section 1, item (f) under Rural Fire Protection Surcharge, a monthly surcharge of \$1.52 should be added. Councilman Probasco moved to amend Ordinance 98-13, Councilman Campbell seconded. Ed Guntz, HJ Umbaugh & Associates, explained the proposed ordinance and amendments. The Motion to amend Ordinance 98-13 passed 7-0 on a roll call vote. Councilman Campbell moved for passage of Ordinance 98-13 as amended, Councilman Boehning seconded. Mr. Nicholas Kile, Barnes and Thornburg, explained the new rates and how the costs could be recovered and who would be effected by the new surcharge. Wayne Meyer, 801 Shawnee, owner of Scrub-a-Duds, spoke in opposition to the increase. Councilman Downie asked what the costs were for the banks to collect the water bills. Bill Yazbec, City Controller, advised that costs were offset and stated that he would get that information to Council. Councilman Campbell asked how Lafayette was rated on fire protection in reference to insurance. Fire Chief Jeff McCoy stated the rates were set through individual insurance companies and would be rated depending on the distance from the hydrant and Fire Stations. Discussion ensued. Councilman Campbell stated that water is one of the cheapest resources and Lafayette is fortunate to have a good water supply and we should encourage the saving and improvement of our water system. Councilman Fisher spoke in favor of the Ordinance and stated that it is hard to improve without spending money and that the increase is long overdue. Discussion ensued. Councilman Rhoda encouraged more gradual increases. Councilman Probasco advised that government can get in the way of the process and the Indiana Utility Regulatory Commission makes it difficult to make increases without the home rule. Mayor Heath stated that the rates are still low and the process for implementing each increase is very expensive. Ordinance 98-13, as amended, passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-9 (An Ordinance Amending Section 3 of the Ordinance Number 97-51 CM Being the Unified Subdivision Ordinance of Tippecanoe County, Indiana) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Fisher seconded. Councilman Rhoda spoke on behalf of the Ordinance stating that the changes bring the New Unified Subdivision Ordinance up to date with New Unified Zoning Ordinance. Ordinance 98-9 passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-10 (An Ordinance Amending Chapters 2, 3, and 4, and Appendix D-2 of Ordinance 97-51 CM Being the Unified Zoning Ordinance of Tippecanoe County) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Downie seconded. Councilman Rhoda spoke on behalf of the Ordinance, stating these were corrections to the New Unified Zoning Ordinance. Ordinance 98-10 passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-11 (An Ordinance Authorizing the Sale or Transfer of Real Estate Currently Owned by the City of Lafayette, Indiana, Wabash Avenue Fire Station Number 4) by title only for first reading. Councilman Probasco moved for passage, Councilman Boehning seconded. Mayor Heath explained the proposal that would create office space for the Fairfield Township's Assessor. Mayor Heath stated that the building would be a benefit to the citizens of that area. The Mayor stated that the \$100,000 received for the building will be used for a new training tower for the 18th & Teal Road Fire Station for use by all County fire protection services. Councilman Probasco complimented Jerry Smelser and the Mayor for working on this issue that shows that governmental entities do work together. Councilman Campbell asked if there was a need to suspend the rules to hear the Ordinance on second reading since the fire department is moving out before the April Council meeting. Discussion ensued. Councilman Downie requested the appraised value on the property. City Attorney Eric Burns stated that the appraised value is \$72,500.00. Discussion ensued. Ordinance 98-11 passed 7-0 on a roll call vote. Councilman Campbell moved for suspension of the rules to hear Ordinance 98-11 on second and final reading, Councilman Rhoda seconded. The Motion to suspend the rules to hear Ordinance 98-11 on second and final reading passed 7-0 on a roll call vote.

Councilman Probasco moved to hear Ordinance 98-11 on second and final reading, Councilman Fisher seconded. Persis Newman, 615 S. 4th Street, spoke concerning the preservation of this historic building. Sherry McLauchlan, Redevelopment Director, stated that assistance will be provided to maintain the historic nature of the building. Discussion ensued. Ordinance 98-11 passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-12 (An Ordinance Establishing Rates and Charges for the Use of and Services Rendered by the Waterworks Utility of the City of Lafayette, Indiana) by title only. Mayor Heath withdrew Ordinance 98-12.

The Clerk read Ordinance 98-14 (An Ordinance Appropriating Money for the Purpose of Defraying the Expenses of Issues Concerning Parking for the City of Lafayette, Indiana) by title only for first reading. Councilman Rhoda moved for passage, Councilman Downie seconded. Sherry McLauchlan explained the appropriations stating that it was omitted from the budget and that there are on-going parking expenses that will need to be paid. Ordinance 98-14 passed 7-0 on a roll call vote. Councilman Probasco moved to set a public hearing on Ordinance 98-14 on April 6, 1998 at 7:01 p.m., Councilman Campbell seconded. The Motion to set a public hearing passed by unanimous Voice Vote.

The Clerk read Ordinance 98-15 (An Amendment to Ordinance 93-18 Establishing a Local South 3rd Street Historic District in the City of Lafayette, Indiana) by title only for first reading. Councilman Campbell moved for passage, Councilman Boehning seconded. Ruth Ann Ferris, 1316 N Salisbury, West Lafayette, owner of the property at 407/409 S 3rd Street, stated that she and her husband, Don, have owned the property for 15 years and explained the history of property and the restoration effort. Councilman Probasco discussed the acceptance of this structure in the community. Councilman Downie spoke in favor of the proposal. Ordinance 98-15 passed 7-0 on a roll call vote. Councilman Probasco moved to set a public hearing on Ordinance 98-15 for April 6, 1998 at 7:02 p.m., Councilman Campbell seconded. The Motion to set a public hearing passed by unanimous Voice Vote.

The Clerk read Ordinance 98-16 (An Amendment to Ordinance 95-22 Inclusion of Certain property in the Local Ninth Street Hill Historic District in the City of Lafayette, Indiana) by title only for first reading.

Councilman Downie moved for passage, Councilman Smith seconded. David Reap, 212 S. 9th Street, property owner, explained the background of this historic home and asked for acceptance into the 9th street historic district. Councilman Probasco thanked the homeowners for all their hard work. Isabella Williams, 802 Kossuth Street, property owner, explained the historic background of her restored home that would be considered as an addition to this district. Ordinance 98-16 passed 7-0 on a roll call vote.

The Clerk read Resolution 98-3 (A Resolution of the City of Lafayette, Indiana, Expending Certain Funds from Park Non-Reverting Funds) by title only for first and final reading. Councilman Probasco moved for passage, Councilman Fisher seconded. Vicki Mayes, Park Superintendent, explained that the funds were to be appropriated for programs at McAllister and Columbian Park zoo. Resolution 98-3 passed 7-0 on a roll call vote.

The Clerk read Resolution 98-4 (A Resolution Approving Borrowing Sewage Operating Funds for the Purpose of Funding the Police Pension Fund to be repaid by December 31, 1998) by title only. Bill Yazbec requested that Resolution 98-4 be withdrawn.

The Clerk read Resolution 98-5 (A Resolution in Support of Indiana Department of Environmental Management Grant for Trash/Recycling Truck Purchase) by title only for first and final reading. Councilman Fisher moved for passage, Councilman Smith seconded. Eric Burns explained the process of filing for the grant and required notifications. Resolution 98-5 passed 7-0 on a roll call vote.

President Altling stated that there were no Reports of Standing or Special Committees.

Report by the Mayor: Mayor Heath stated that there would be a public hearing on March 10, 1998 at 7:00 p.m. regarding the possibility of closing Underwood Street. The Mayor stated that the new fire station at 9th Street and 350 S would be open on March 16, 1998. The Mayor stated that the Chamber of Commerce trip to Washington DC will be on March 24, 1998 to request money for Railroad Relocation among other topics of discussion. The Mayor stated that the unveiling of the master plan for Columbian Park would be on March 19, 1998. Councilman Rhoda inquired about the Smith Street closing. Mayor Heath advised that the issue has been under discussion since 1981.

Miscellaneous and New Business: President Altling announced that a Special Meeting of Council will be held March 5, 1998 at 7:00 p.m. in the Lafayette City Council Chambers for the purpose of hearing Resolution 98-6, The Resolution of Adoption of Tippecanoe County Income Tax Council.

Sherry McLauchlan announced that the City of Lafayette is accepting proposals as the lead agency for a national competition for homeless money called a Super NOVA. The Mental Health Association will be submitting a request for \$140,000 for a supported service along with Lafayette Transitional housing.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Probasco seconded. The motion passed by unanimous Voice Vote. Time being 8:14 p.m.

Minutes prepared by Lisa Decker, City Clerk.